

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RONNIE JONES, ET AL.,

Plaintiffs,

vs.

CITY OF BOSTON, ET AL.,

Defendants.

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) NO. 05-11832-GAO
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STIPULATION AND AGREED ORDER
CONCERNING DEPOSITION OF KATHLEEN O'TOOLE

IT IS HEREBY STIPULATED AND AGREED, by and between plaintiffs and defendants (the "Parties") in the above-captioned action:

WHEREAS, defendant Kathleen O'Toole ("O'Toole") is leaving her post as Boston Police Commissioner to take a job in Ireland;

WHEREAS, the parties have been working cooperatively to prepare the case and advance the litigation;

WHEREAS, plaintiffs served notice, on May 19, 2006, that O'Toole's deposition would be taken on June 6, 2006 and stated their willingness to work cooperatively with O'Toole and defendants' counsel to find a date convenient for all concerned;

WHEREAS, circumstances are such that it is not possible for the defendants to provide documents and responses to plaintiffs' discovery requests, to which plaintiffs are entitled, before O'Toole leaves for Ireland;

WHEREAS, the parties agree that O'Toole must be produced for deposition in this case in Boston; and

WHEREAS, O'Toole plans to return to Boston in the near future and intends to do so in mid-October 2006, to attend a conference of police chiefs;

WHEREAS, defendants' counsel agree to produce O'Toole, and O'Toole agrees to make herself available, for deposition in Boston in mid-October 2006; and

WHEREAS, defendants' counsel agree to produce O'Toole, and O'Toole agrees to make herself available, for deposition in Boston at another time in the near future in the event that unforeseen circumstances interfere with a mid-October 2006 deposition in Boston.

THEREFORE, the Parties hereby stipulate and agree as follows:

1. The deposition of Kathleen O'Toole, noticed for June 2006, will take place in Boston in mid-October 2006, when O'Toole will return to Boston for a conference.

2. In the event that unforeseen circumstances interfere with a mid-October 2006 deposition, defendants' counsel agree to produce O'Toole, and O'Toole agrees to make herself available, for deposition in Boston at another time in the near future.

3. The defendants do not and will not contest either plaintiffs' right to depose O'Toole at a time when plaintiffs are in possession of necessary documents and discovery responses or plaintiffs' right to take O'Toole's deposition in Boston.

AGREED as of this 22nd day of June 2006:

**Defendants, City of Boston,
Boston Police Department
and Kathleen O'Toole**

William F. Sinnott
Corporation Counsel

By their attorneys:

/s/ James M. Chernetsky
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DATED: June 26, 2006

/s/George A. O'Toole, Jr

Honorable George A. O'Toole
United States District Judge